

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
[CAMDEN VICINAGE]

STEPHAN R. BYRD
Petitioner,

v.

UNITED STATES OF AMERICA
Respondent

HONORABLE ROBERT B. KUGLER
UNITED STATES DISTRICT JUDGE

Criminal No.: 1:15-cr-00409 (RBK)
Civil No.: 1:23-cv-09610-RBK

CERTIFICATION OF STEPHAN BYRD

[CERTIFICATION OF STEPHAN R. BYRD

ON ACTUAL INNOCENCE, IN SUPPORT
OF PETITIONER 28 U.S.C. § 2255.

The BRADY VIOLATION OF OCTOBER
1, 2015 PROFFER OF GOVERNMENT
WITNESS CHARLES SANDERS IN
CONNECTION WITH F.B.I. 302's M-2-40
M-2-43, M-2-58, M-2-59, AND
M-2-60] AND M-2-61]

I, STEPHAN R. BYRD, Depose and State that
the following facts are True and Correct Under
Penalty of Perjury, Pursuant to 28 U.S.C. § 1746,
TO WIT:

RECEIVED

MAY 14 2024

AT 8:30 _____ M
CLERK, U.S. DISTRICT COURT - DNJ

(1) I, Stephan R. Byrd, State and Depose, that Sara A. Aliabadi A.U.S.A. and Jason Richardson A.U.S.A. should be disqualified from Federal Office for multiple violations of Public Trust and for deceiving the Honorable Court of Robert B. Kugler in joining a Federal Government Conspiracy to incarcerate a INNOCENT CITIZEN OF THE UNITED STATES FOR CRIMES HE DID NOT COMMIT.

(2) I, STEPHAN R. BYRD, STATE AND DEPOSE, THAT A.U.S.A.'s SARA A. ALIABADI AND JASON RICHARDSON did not provide the Petitioner Mr. Byrd with F.B.I. 302 Proffers; i.e., M-2-43, M-2-58, M-2-59 and M-2-60, inter alia, until the eve of Mr. Byrd trial of April 1, 2019. I also state and depose that prior to the trial date (supra) that Mr. Byrd had been in pre-trial detention since December of 2014 and incarcerated since July 28, 2014.

(3.) I, Stephan R. BYRD, State and Depose, that on October 1, 2015 after A.U.S.A. Sara A. Aliabadi signed a SK1 with Criminal Government Witness Charles Sanders on July 13, 2015 and his then Attorney Evan T.L. Hughes Esq., backed, supported and approved by Deputy United States Attorney Nelson S.T. Thayer Jr. [See, Government M-2-79 and M-2-80, will be furnished under this motion at a later date]

and after a plea colloquy with the Honorable Robert B. Kugler Court, Attorney for the United States Government Dara A. Alizabadi, F.B.I. Special Agent Michael Samaca and Carrie Brzezinski sat down with Charles Sanders [Federal Government Criminal Witness] IN a proffer session.

(4.) I, Stephen B. Byrd, State and depose, that this October 1, 2015 proffer session would produce detailed information about the Vineland New Jersey attempted homicide that occurred on July 16, 2014, in which Petitioner Mr. Byrd was falsely accused of by a collective decision of Vineland Police Department of New Jersey and the F.B.I. (Federal Bureau of Investigation). Sanders stated "that he was in a white vehicle with Noon (i.e., Eric Bailey) and another individual known as "Kooch" (i.e. Shawn Jones). While together, Noon and Kooch sold some crack cocaine (which noon was known to sell) and then drove to an unknown location to meet with an unknown black male. Noon got out of the vehicle and talked to the black male who was doing some landscaping work."

"During the conversation between Noon and the Black Male, the conversation got heated and Noon pulled out a gun and shot the unknown Black male. Sanders later heard that Noon shot the black male in the foot. Sanders also heard that the shooting was over a "beef" regarding an unknown robbery between two different groups in the area."

"After the shooting, Noon, Koch and Sanders went to Koch's house, where he lived with a white girl, not far from the area of the shooting." [See, F.B.I. 302 M-2-58, 4th Paragraph, will furnish at a later date under this motion]

(b.) I, Stephan R. Byrd, state and depose, that at this October 1, 2015, proffer government witness Charles Sanders incriminates Eric Bailey A.K.A. Noon and Maurice Petway A.D. for the first time as co-conspirators to the July 19, 2014 Vineland Newfield Bank Robbery in which he had already incriminated Petitioner Stephan Byrd falsely in prior proffers.

In Part b "Sanders then reiterated the details of the bank robbery of 07/19/2014, clarifying that Noon dropped them off in the wooded area prior to the bank robbery and that after the bank robbery, Byrd called someone while they were in the wooded area, and they were picked up by AD (i.e., Maurice Petway) somewhere near the wooded area." [See, F.B.I. 302 M-2-59, 5th Paragraph, will furnish at a later date under this motion.]

(b.) I, Stephan R. Byrd, state and depose, that at this October 1, 2015 proffer Session Criminal witness for the Federal Government Charles Sanders names his entire crew.

Kooch - DMV Photo of Shawn Jones

Noon - DMV and Facebook photo of Eric Baile

AD - DMV Photo of Maurice Petway

AD's wife - DMV Photo of Aimee Harker

[See., F.B.I. 302 M-2-60, will furnish at a
later date under this motion.]

7. I, Stephen A. Byrd, State and depose, that on
June 22, 2015 - Government Witness Charles Sanders
transfers information about his crew and the July 16,
2014 shooting event on the Petitioner Stephen Byrd.
This is approximately 3 1/2 months before the October
1, 2015 proffer. He has to do this because he
doesn't know Mr. Byrd as he testified to at trial.

In Part → 3rd Paragraph F.B.I. 302 M-2-40

"The white car took them to the residence of Noon,
where they started to undress and Noon was angry with
them and threw them out of the house. Later
that day, Byrd and Sanders were driven to Byrd's
silver car (Honda Accord) by a short white female,
with blonde hair."

In Part ↓ same page up to (Paragraph 1)

"Byrd and Sanders parked Byrd's silver car in the
park behind the wooded area of the bank."

[See., F.B.I. 302 M-2-40, will furnish at a later
date under this motion.]

8.) I, Stephan B. Byrd, State and Depose, that Charles Sanders lied about Petitioner vehicle (Honda Accord silver) being at Giampetro Park following the robbery. However there was a Silver Honda Accord at Giampetro Park after the robbery that was never investigated by the F.B.I. or Vineland Police Dept. in connection with [Charles Sanders, Eric Bailey, Maurice Petway, white girl Aimee Barker,] Charles Sanders crew. See, Vineland Police Supplementary Report of Nicholas Bergamo, 7/20/2014, Line 5, 2012 Silver Honda Accord, NJ Registration (headstock) [The following vehicles were parked at Giampetro Park following the robbery.] [I will furnish at a later date under this motion.] As annexed herewith and incorporated by this reference as if fully set forth herein.]

(8.) I, Stephan B. Byrd, State and depose, on Friday July 10, 2015 at 4:33:17 p.m. F.B.I. Special Agent Michael Scimeca sends A.U.S.A. N.J. Sara A. Alizabadi [shows she is in the investigation] an email stating: "Request for Historical Cell Site, 2703(d), order for (609)-214-5885. This phone is believed to be used by Maurice Petway, known as MA, who was one of several individuals surveilling the bank on the morning of 7/19 and could be responsible for 7/21." [See, F.B.I. Agent Michael Scimeca email to A.U.S.A. Sara A. Alizabadi, July 10, 2015; will furnish at a later date under this motion.]

(9.) I, Stephen H. Byrd, State and Depose that on July 28, 2015 F.B.I. Special Agent Michael Scimeca wrote in the F.B.I. 302 M-2-43 the following:

In Part First Paragraph

"Through the coordination of these investigations, an ad hoc task force was created and Byrd was able to be charged, initially on a local attempted homicide charge, which prevented Byrd from committing additional robberies while evidence was acquired." ↓

In Part Second Paragraph

"Since that time, Sanders has proffered with the United States Attorney's office and has agreed to cooperate with law enforcement. These proffers sessions are continuing and have led to the identity of other individuals involved in this series of bank robberies. This investigation is continuing.

In Part Third Paragraph

"It is also anticipated that Sanders will plea to a federal information, and other individuals be charged based upon Sanders cooperation and other evidence obtained in the investigation [See. F.B.I. 302 M-2-43, will furnish at a later date under this motion].

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10) I, Stephan R. Byrd, State and Depose that I am the only person charged in this Series of bank robberies. Charles Sanders incriminates Eric Bailey and Maurice Petway October 1, 2015 proffer. So what information is the Government still hiding to have made this statement at (Supra 9) about others being charged. Also on October 1, 2015 F.B.I. Special Agent Michael Scimeca in F.B.I. 302 M-2-61, rough notes to the attempted homicide in the Vineland New Jersey Jurisdiction stated "S.B. not there not involved. [See, Exhibit (L) to 2255 already on record], as annexed herewith and incorporated by this reference.1.

11) I, Stephan R. Byrd, State and Depose that A.U.B.A. Jason Richardson and Sara Alizadeh would use the "Homicide" Byrd was charged with on 7/25/2014 as a Criminal Felony for their 922(g) at exhibit 463 case in chief at trial knowing I was innocent. More so no one was murdered, but Mr. Byrd was charged with:

- 2C:11-3A - Purposely Cause Death
- 2C:39-7B - Persons not to have weapons
- 2C:39-5B - Possess Handgun
- 2C:39-4D - Poss. Weapon Unlawful Purpose

Exclusion

The Federal Acting Prosecutors A.U.S.A. Sare A. Aliabadi and A.U.S.A. Jason Richardson comments in court from 2015-2021 were not only misleading as it relates to Mr. Byrd, the attempted homicide in the State of New Jersey bank robberies and Charles Sanders Crew, but it was deceptive and producing fraud on the court and impeded a State of New Jersey Shooting and Federal Bank Robbery Investigation.

The October 1, 2015 Proffer with Criminal Witness Charles Sanders clearly was Brady material, not only did it incriminate their witness into the State of New Jersey attempted homicide but it also made Eric Bailey and Maurice Petway, Charles Sanders Conspirators to Bank Robberies. Leaving reasonable doubt as to Mr. Byrd guilt. This is the first proffer where he incriminates both men into bank robberies after lying at all other proffers. However once he makes them Conspirator Factors in the Federal Bank Robberies, all proffers seized and deist.

This is because Maurice Petway has a child by the daughter of Ex. Detective/ EX. Mayor Brumano or (Alvarez) of Vineland New Jersey. I, Stephen Byrd, State and depose this is true to the best of my ability, although the last name fails me over the years of aging mentally.

There can never be a justifiable basis for depriving a defendant of his entitlement to a Constitutionally Guaranteed right to fairness, due process and Equal Protection of the laws under Our 5th and 14th Amendments to the United States Charter. Every Statement, comment or document that a prosecutor put forth on a DISTRICT COURT carries the full authority of the Federal Government. Therefore, NO District Court Judge can sit idly by and condone prosecutorial misconduct and Fraud, that put a innocent man in prison for over 50 years of a Sentence for crimes he did not commit.

"Prosecutors of our Nation have a Unique role and responsibility in the administration of criminal justice, and, therefore, have an extraordinary power to undermine or destroy the efficacy of the Criminal Justice System. The Sound administration of criminal justice in our democracy requires that both the end and means be just." This case was born in a Pool of insidious discriminatory animus.

These prosecutors subjected Mr. Byrd to the odium of condemnation by an arm of the judicial and executive branches of government, without ever having given him the slightest opportunity to defend himself and to be heard.

These prosecutors stole my family, with lies, stripped the Honorable Robert B. Kugler of his ~~role~~ with deception & fraud, took my eyesight through my fight of long nights writing under neon lights to prove my innocence. They gave me the diagnosis of Post Traumatic Stress Disorder (PTSD), took away my job at Belco Biotech and Glass, impeded my college education, put me in one of the most violent Penitentiary on earth (Hazelton Penitentiary). So today your Honorable Robert B. Kugler it is time to look at the record and the Facts of this case and honor your oath, i.e., to protect the legacy of our forefathers, the United States Constitutional Charter.

Respectfully Submitted

Stephen R. Byrd

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Dated: March 17, 2024

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MAY 14 2024

AT 8:30 _____ M
CLERK, U.S. DISTRICT COURT - DNJ

% Clerk of Courts
Mitchell Cohen Bld.
United States Courthouse
4th and Cooper St.
Camden New Jersey

